

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

24.934 ACRES OF LAND, MORE OR
LESS, SITUATE IN HIDALGO COUNTY,
STATE OF TEXAS; AND UNITED
IRRIGATION DISTRICT, ET. AL.

Defendants.

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CASE NO. 7:20-CV- 393

COMPLAINT IN CONDEMNATION

1. This is a civil action brought by the United States of America at the request of the Secretary of the Department of Homeland Security, through the Acquisition Program Manager, Wall Program Management Office, U.S. Border Patrol Program Management Office Directorate, U.S. Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security, for the taking of property under the power of eminent domain through a Declaration of Taking, and for the determination and award of just compensation to the owners and parties in interest.

2. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1358.

3. The interest in property taken herein is under and in accordance with the authority set forth in Schedule “A.”

4. The public purpose for which said interest in property is taken is set forth in Schedule “B.”

5. The legal description and map or plat of land in which certain interests are being

acquired by the filing of this Complaint, pursuant to the Declaration of Taking, are set forth in Schedules “C” and “D.”

6. The interest being acquired in the property described in Schedules “C” and “D” is set forth in Schedule “E.”

7. The amount of just compensation estimated for the property interest being acquired is set forth in Schedule “F.”

8. The names and addresses of known parties having or claiming an interest in said acquired property are set forth in Schedule “G.”

9. Local and state taxing authorities may have or claim an interest in the property by reason of taxes and assessments due and eligible.

WHEREFORE, Plaintiff requests judgment that the interest described in Schedule “E” of the property described in Schedules “C” and “D” be condemned, and that just compensation for the taking of said interest be ascertained and awarded, and for such other relief as may be lawful and proper.

Respectfully submitted,

RYAN K. PATRICK
United States Attorney
Southern District of Texas

By: *s/ N. Joseph Unruh*
N. JOSEPH UNRUH
Assistant United States Attorney
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Texas Bar No. 24075198
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Telephone: (956) 618-8010
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SCHEDULE A

AUTHORITY FOR THE TAKING

The property is taken under and in accordance with 40 U.S.C. §§ 3113 and 3114, which authorize the condemnation of land and the filing of a Declaration of Taking; the Act of Congress approved September 30, 1996, as Public Law 104-208, Division C, Section 102, 110 Stat. 3009-546, 3009-554-55, as amended and codified at 8 U.S.C. § 1103(b) & note; and the Act of Congress approved March 23, 2018, as Public Law 115-141, div. F, tit. II, Section 230, 132 Stat. 348, which appropriated the funds that shall be used for the taking.

SCHEDULE B

PUBLIC PURPOSE

The public purpose for which said property is taken is to construct, install, operate, and maintain roads, fencing, vehicle barriers, security lighting, cameras, sensors, and related structures designed to help secure the United States/Mexico border within the State of Texas.

SCHEDULE C

LEGAL DESCRIPTION

Hidalgo County, Texas

Tract: RGV-MCS-2108

Owner: United Irrigation District, et al.

Acres: 24.934

BEING a 24.934 acre (1,086,119.054 square feet) parcel of land, more or less, being out of the Jose Antonio Zamora Survey, Abstract No. 79 and the Salvador Bocanegra Survey, Abstract No. 569, Hidalgo County, Texas, being out of Porciones 50 and 51 and being out of a called 28.85 acre tract condemned by Cameron County, Texas and Hidalgo County Water Control & Improvement District Nos. 7 and 14 by the Final Court Judgment in Cause No. CL-3059, *County of Cameron, Texas, et al v. Norton Boyd, et al*, in the County Court at Law of Hidalgo County, Texas which awarded them “all such right, title and interest” in said parcel; Subsequent merger of United Irrigation District in 1987 ORHC book 2488 page 674 records ownership change of same parcel, said 24.934 acre (1,086,119.054 square feet) parcel of land being more particularly described by metes and bounds as follows;

BEGINNING at a found U.S. Fish & Wildlife Service monument marking an easterly corner of the herein described proposed acquisition tract, said point being at an easterly corner of the 28.85 acre tract, the northeast corner of a called 393.361 acre tract conveyed to the United States of America by Special Warranty Deed recorded in Volume 2734, Page 698, Deed Records of Hidalgo County, Texas (“Tract 446”) and an easterly corner of the river levee right-of-way conveyed to the United States of America by Easement Deed recorded in Volume 982, Page 284, Deed Records of Hidalgo County, Texas (“R/W 834-H”), said point being in the west line of a called 72.000 acre tract conveyed to the North American Butterfly Association by Special Warranty Deed recorded in Instrument No. 2002-1101852, Official Records of Hidalgo County, Texas, said point having a coordinate value of N=16589013.655, E=1027410.324, said point bears S 61°50'48" E, a distance of 1422.59 feet from United States Army Corps of Engineers Control Point No. 101;

THENCE S 69°48'49" W, (S 69°47'00" W, Record) departing the west line of the 72.000 acre tract, with the south line of the 28.85 acre tract, the south line of the “R/W 834-H” levee right-of- way and the north line of the 393.361 acre tract, a distance of 227.08 feet to the south corner of the 28.85 acre tract, the south corner of the “R/W 834-H” levee right-of-way and a corner of the north line of the 393.361 acre tract;

SCHEDULE C (Cont.)

THENCE N 63°48'26" W, (N 63°51'00" W, Record) with the south line of the 28.85 acre tract, the south line of the "R/W 834-H" levee right-of-way and the north line of the 393.361 acre tract, a distance of 2853.384 to the southwest corner of the 28.85 acre tract, the southwest corner of the "R/W 834-H" levee right-of-way and north west corner of the 393.361 acre tract, and the east line of a called 587.5 acre tract conveyed to the Texas State Parks Board by Deed recorded in Volume 768, Page 269, Deed Records of Hidalgo County, Texas;

THENCE N 08°32'34" E, (N 08°30'00" E, Record) with the west line of the 28.85 acre tract, the west line of the "R/W 834-H" levee right-of-way and the east line of the 587.5 acre tract, a distance of 840.80 feet to a found concrete Texas Parks & Wildlife Department monument for angle, said point being at the northeast corner of the 587.5 acre tract and the southeast corner of the remainder of Lot 28 of Bentsen Groves Addition "E" recorded in Volume 8, Page 5, Map Records of Hidalgo County, Texas and being the same tract of land conveyed to Horace Etchison, Trustee by Warranty Deed recorded in Volume 730, Page 377, Deed Records of Hidalgo County, Texas ("First Tract"), said point being in the west line of the 28.85 acre tract and the west line of the "R/W 834-H" levee right-of-way;

THENCE N 08°45'37" E, (N 08°30'00" E, Record) with the west line of the 28.85 acre tract, the west line of the "R/W 834-H" levee right-of-way and the east line of the remainder of Lot 28, a distance of 51.86 feet to a point for the northwest corner of the herein described proposed acquisition tract, said point being at the northwest corner of the 28.85 acre tract, the northwest corner of the "R/W 834-H" levee right-of-way and a northwesterly corner of a called 72.767 acre tract conveyed to the United States of America by Special Warranty Deed recorded in Volume 2734, Page 698, Deed Records of Hidalgo County, Texas ("Tract 446b"), said point being in the south line of the river levee right-of-way conveyed to the United States of America by Easement Deed recorded in Volume 982, Page 91, Deed Records of Hidalgo County, Texas ("R/W 959-H") and the east line of the remainder of Lot 28;

THENCE with the north line of the 28.85 acre tract, the north line of the "R/W 834-H" levee right-of-way, the south line of the "R/W 959-H" levee right-of-way and a southwesterly line of the 72.767 acre tract, the following courses and distances:

S 76°19'29" E, (S 76°21'00" E, Record) a distance of 15.99 feet to a point for angle, said point being at a westerly corner of the 72.767 acre tract, a northwesterly corner of the "R/W 834-H" levee right-of-way, a northwesterly corner of the 28.85 acre tract and the west corner of the river levee right-of-way conveyed to the United States of America by Easement Deed recorded in Volume 982, Page 93, Deed Records of Hidalgo County, Texas ("R/W 961-H");

SCHEDULE C (Cont.)

S 89°17'29" E, (S 89°19'00" E, Record) a distance of 99.19 feet to a set 5/8" rebar with a "MDS" cap stamped "RGV-MCS-2103-1-1=2108-11" for the northeast corner of the herein described proposed acquisition tract, said point being in a southwest line of the 72.767 acre tract, the south line of the "R/W 961-H" levee right-of-way, the north line of the "R/W 834- H" levee right-of-way and the north line of the 28.85 acre tract, said point marking the beginning of a curve to the right;

THENCE departing the south line of the "R/W 961-H" levee right-of-way and the southwest line of the 72.767 acre tract, over and across the 28.85 acre tract and the "R/W 834-H" levee right-of-way, the following courses and distances:

Along said curve to the right, having a radius of 760.00 feet, an arc length of 191.60 feet, a delta angle of 14°26'40" and a chord bearing of S 29°45'03" E, a distance of 191.01 feet to a set 5/8" rebar with a "MDS" cap stamped "RGV-MCS-2108-12";

S 22°31'43" E, a distance of 348.04 feet to a set 5/8" rebar with a "MDS" cap stamped "RGV-MCS-2108-13", said point marking the beginning of a curve to the left;

Along said curve to the left, having a radius of 1200.00 feet, an arc length of 874.64 feet, a delta angle of 41°45'40" and a chord bearing of S 43°24'33" E, a distance of 855.41 feet to a set 5/8" rebar with a "MDS" cap stamped "RGV-MCS-2108-14";

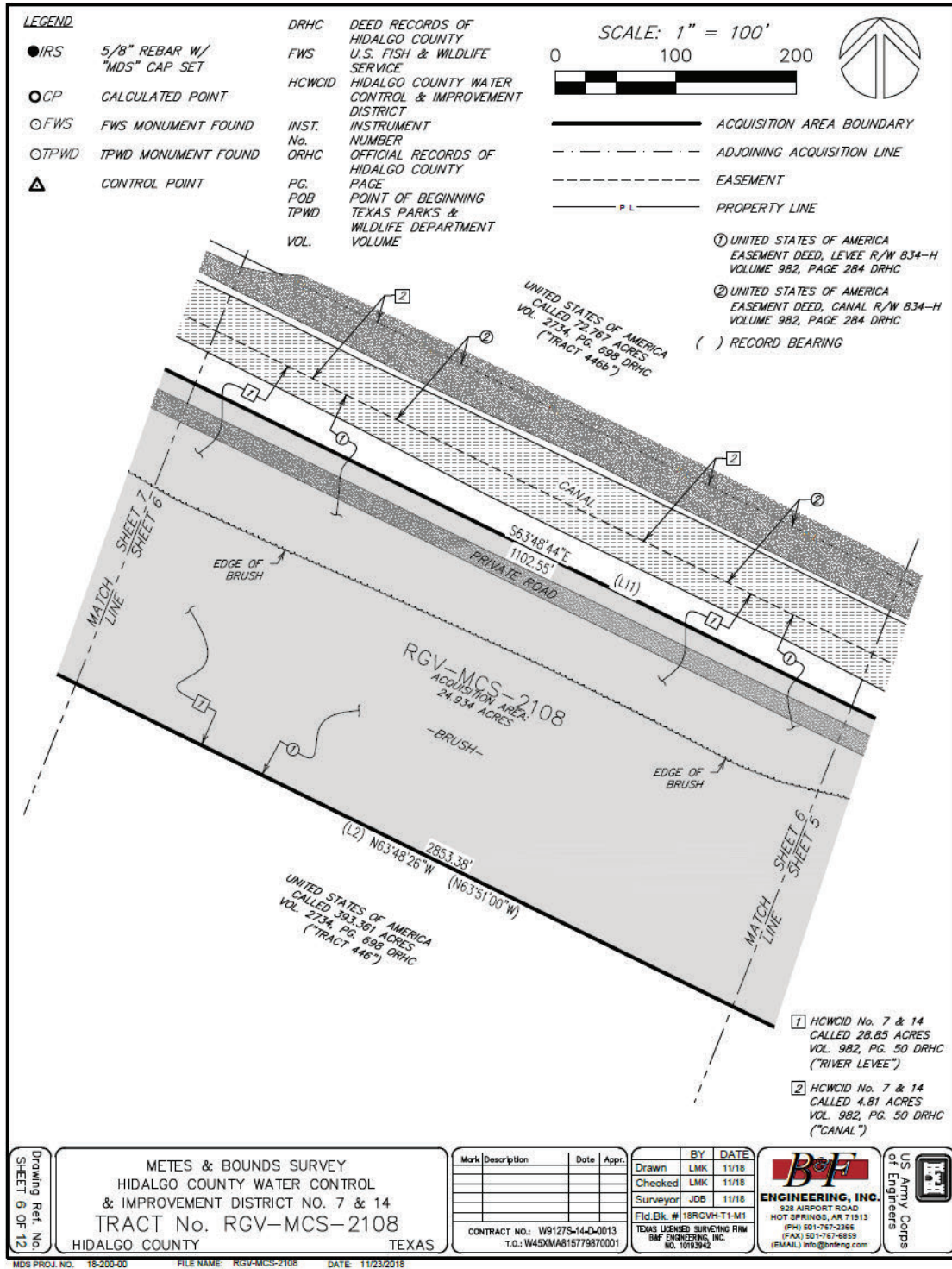
S 64°17'23" E, a distance of 532.96 feet to a set 5/8" rebar with a "MDS" cap stamped "RGV-MCS-2108-15" for angle;

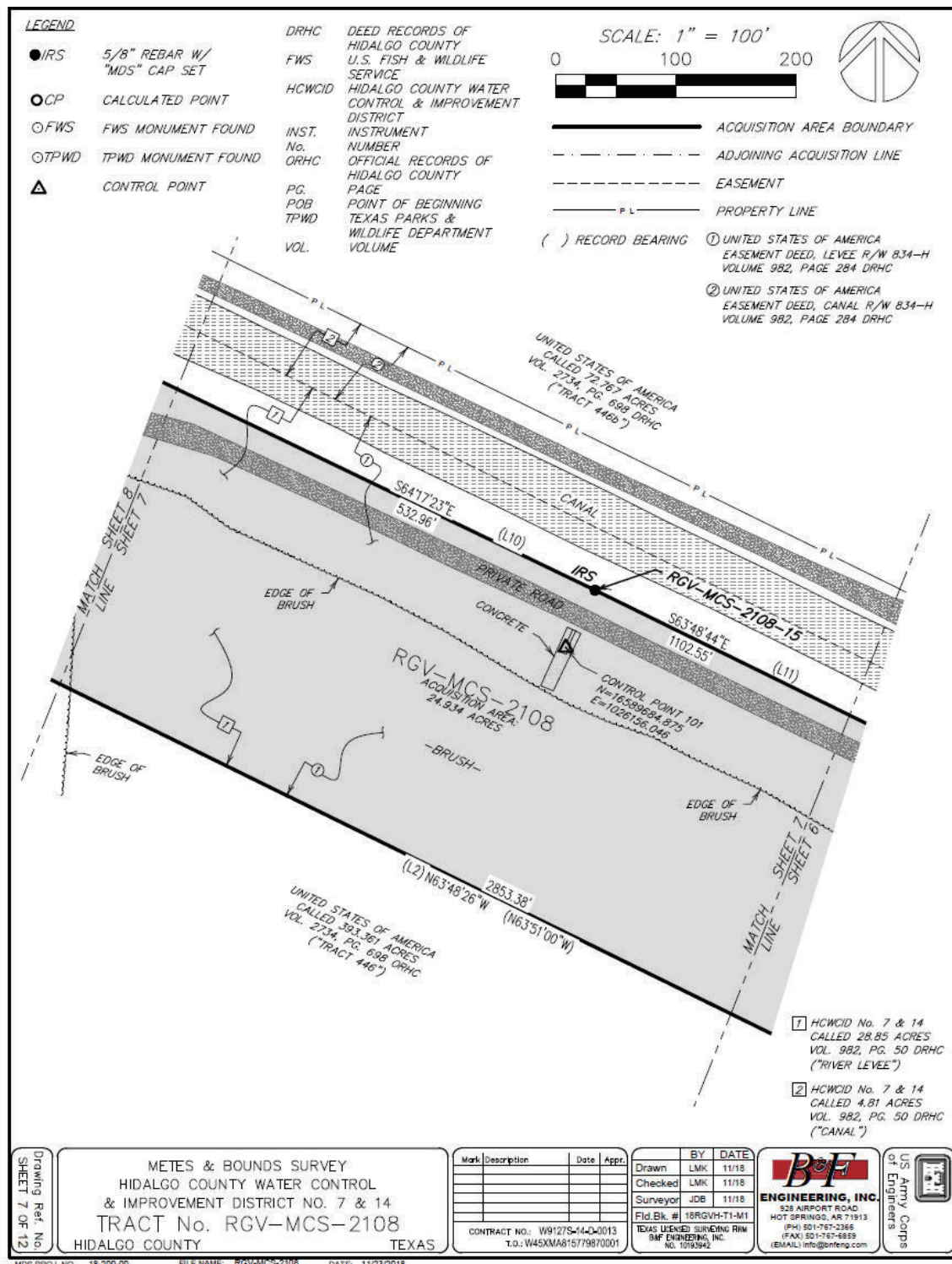
S 63°48'44" E, a distance of 1102.55 feet to a set 5/8" rebar with a "MDS" cap stamped "RGV-MCS-2108-16", said point marking the beginning of a curve to the left;

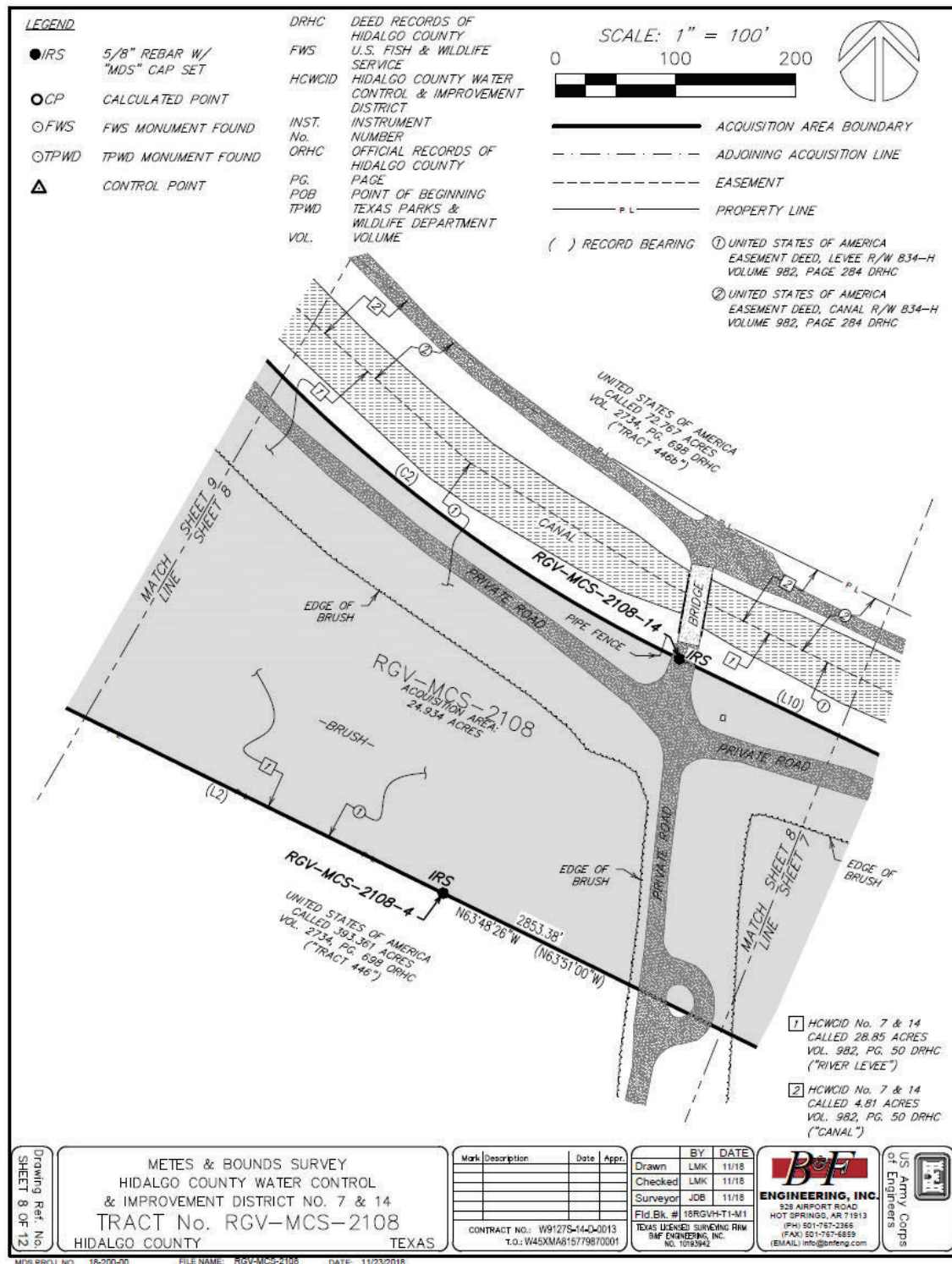
Along said curve to the left, having a radius of 400.00 feet, an arc length of 278.21 feet, a delta angle of 39°51'02" and a chord bearing of S 83°44'15" E, a distance of 272.64 feet to a set 5/8" rebar with a "MDS" cap stamped "RGV-MCS-2108-17" for the northeast corner of the herein described proposed acquisition tract, said point being in the east line of the 28.85 acre tract, the east line of the "R/W 834-H" levee right-of-way and the west line of the 72.000 acre tract;

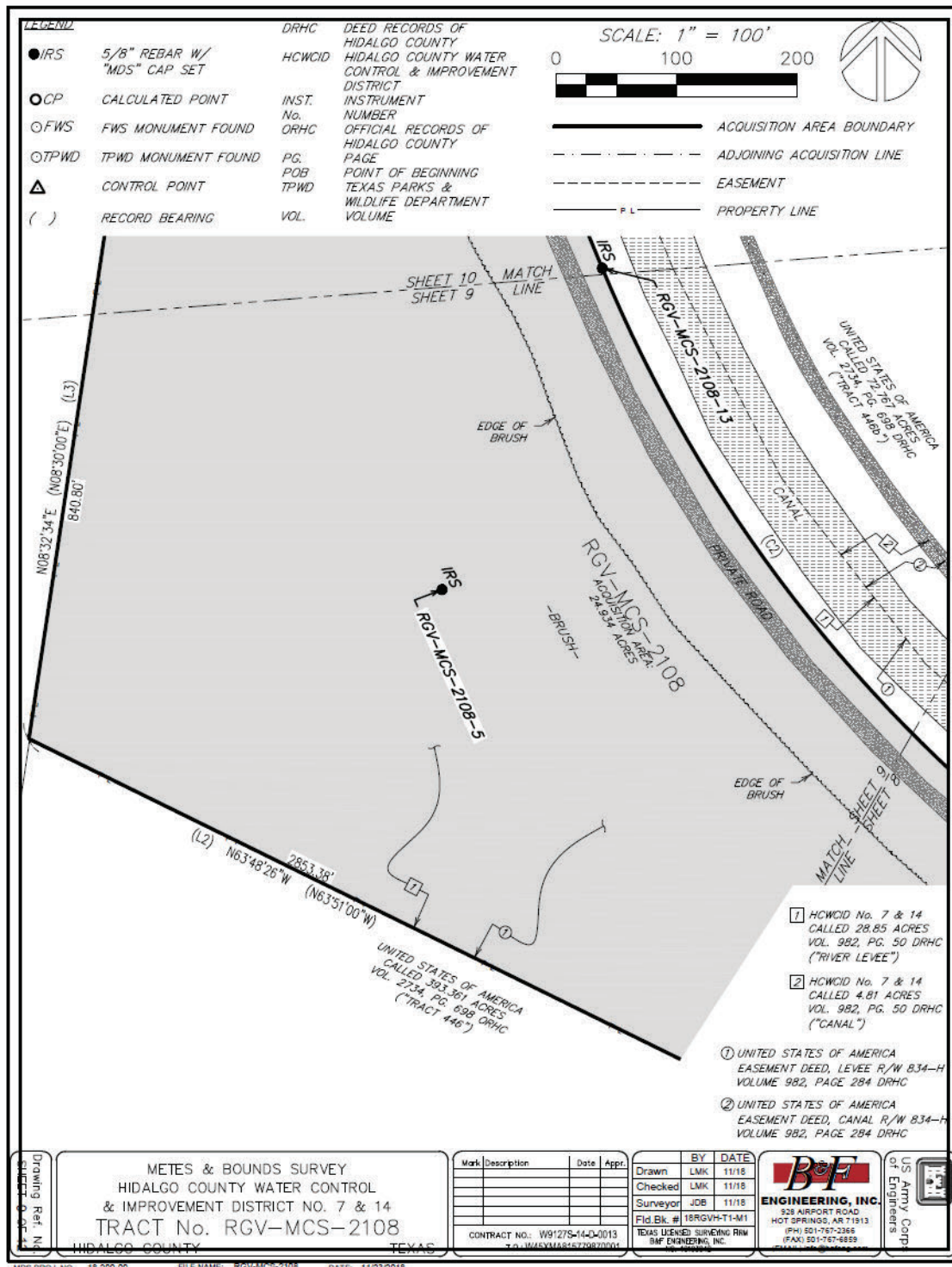
THENCE S 08°34'42" W, (S 08°35'00" W, Record) with the east line of the 28.85 acre tract, the east line of the "R/W 834-H" levee right-of-way and the west line of the 72.000 acre tract, a distance of 204.80 feet to the **PLACE OF BEGINNING** containing 24.934 acres of land, more or less.

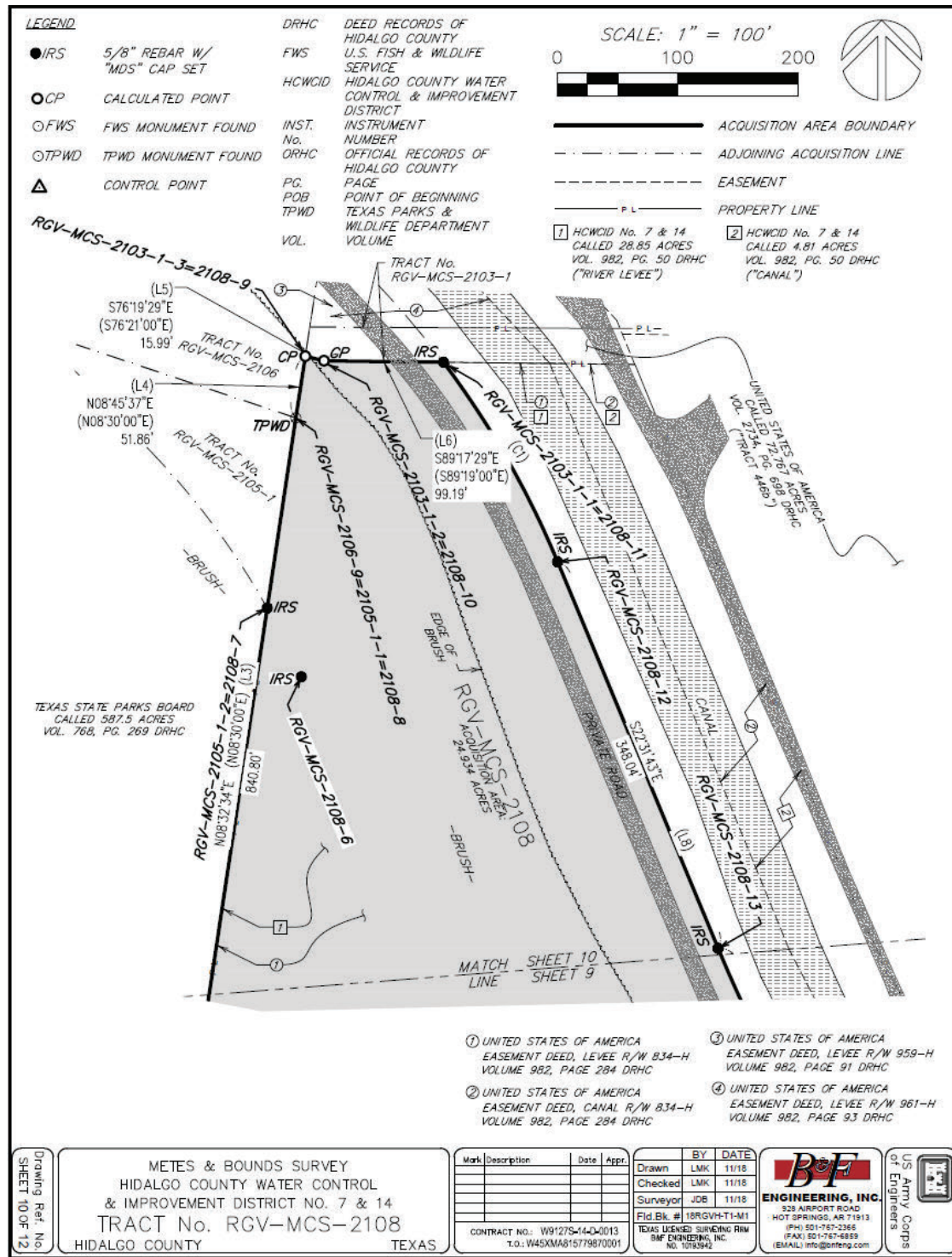
Tract: RGV-MCS-2108
Owner: United Irrigation District, et al.
Acreage: 24.934

SCHEDULE D (Cont.)

SCHEDULE D (Cont.)

SCHEDULE D (Cont.)

SCHEDULE D (Cont.)



SCHEDULE D (Cont.)

COORDINATE TABLE

MONUMENT NAME	NORTHING	EASTING
RGV-MCS-2108-1	16589013.655	1027410.324
RGV-MCS-2108-2	16588948.029	1027231.827
RGV-MCS-2108-3	16589006.546	1027052.309
RGV-MCS-2108-4	16589768.448	1025503.419
RGV-MCS-2108-5	16590318.440	1024979.502
RGV-MCS-2108-6	16590810.918	1024766.277
RGV-MCS-2105-1-2=2108-7	16590868.231	1024737.926
RGV-MCS-2106-9=2105-1-1=2108-8	16591026.246	1024761.662
RGV-MCS-2103-1-3=2108-9	16591077.504	1024769.561
RGV-MCS-2103-1-2=2108-10	16591073.725	1024785.093
RGV-MCS-2103-1-1=2108-11	16591072.498	1024884.274
RGV-MCS-2108-12	16590906.593	1024979.100
RGV-MCS-2108-13	16590585.109	1025112.452
RGV-MCS-2108-14	16589963.683	1025700.295
RGV-MCS-2108-15	16589732.477	1026180.488
RGV-MCS-2108-16	16589245.905	1027169.863
RGV-MCS-2108-17	16589216.164	1027440.872

Parcel Line and Curve Table

Line/Curve	Length	Bearing/Delta	Radius	Chord Distance	Chord Bearing
(L1)	227.08	S69° 48' 49"W			
(L2)	2853.38	N63° 48' 26"W			
(L3)	840.80	N8° 32' 34"E			
(L4)	51.86	N8° 45' 37"E			
(L5)	15.99	S76° 19' 29"E			
(L6)	99.19	S89° 17' 29"E			
(C1)	191.52	14.44	760.00	191.01	S29°45'03"E
(L8)	348.04	S22° 31' 43"E			
(C2)	874.64	41.76	1200.00	855.41	S43°24'33"E
(L10)	532.96	S64° 17' 23"E			
(L11)	1102.55	S63° 48' 44"E			
(C3)	278.21	39.85	400.00	272.64	S83°44'15"E
(L13)	204.80	S8° 34' 42"W			
(L14)	1422.59	S61° 50' 48"W			

NOTES:

1. THE BEARINGS, DISTANCES, AND COORDINATE VALUES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, REFERENCED TO NAD83(2011), TX SOUTH ZONE (4205), US SURVEY FEET, USING THE CORS(2011) ADJUSTMENT. THE DISTANCES AND COORDINATES SHOWN HEREON ARE GRID VALUES AND MAY BE CONVERTED TO GROUND (SURFACE) USING THE TxDOT COUNTY PUBLISHED COMBINED SCALE FACTOR OF 1.000040000 (E.G. GRID X 1.000040000 = SURFACE).
2. A SEPARATE METES AND BOUNDS DESCRIPTION OF EQUAL DATE WAS WRITTEN IN CONJUNCTION WITH THIS SURVEY PLAT.
3. THE SQUARE FOOTAGE TOTAL RECITED HEREIN IS BASED ON MATHEMATICAL CALCULATIONS AND SUBJECT TO THE RULES OF ROUNDING AND SIGNIFICANT NUMBERS.
4. THE REMAINING ACREAGE OF THE PARENT TRACT WAS CALCULATED FROM THE RECORDED INSTRUMENTS AND IS NOT BASED ON FIELD DIMENSIONS.
5. FIELD SURVEY COMPLETED 11/7/2018.
6. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
7. MDS LAND SURVEYING COMPANY, INC. HAS PROVIDED THESE SURVEY SERVICES TO THE CORPS OF ENGINEERS AS A SUBCONSULTANT TO B&F ENGINEERING, INC., THE PRIME CONSULTANT. THE CORPS' CONTRACTING OFFICER'S REPRESENTATIVE IS STEPHEN CORLEY, RPLS (817) 886-1143.
8. LONE STAR 811 UTILITY LOCATE REQUEST WAS SUBMITTED FOR THIS SURVEY ON XXX, 2018 (TICKET NO. xxx).

Drawing Ref. No.
SHEET 11 OF 12

METES & BOUNDS SURVEY
HIDALGO COUNTY WATER CONTROL
& IMPROVEMENT DISTRICT NO. 7 & 14
TRACT NO. RGV-MCS-2108
HIDALGO COUNTY TEXAS

Mark	Description	Date	Appr.

CONTRACT NO.: W9127S-14-C-0013
T.O.: W45XMA815779870001

BY	DATE
Drawn	LMK 11/18
Checked	LMK 11/18
Surveyor	JOB 11/18
File Bk. #	18RGVH-T1-M1
TEXAS LICENSED SURVEYING R/W	
B&F ENGINEERING, INC.	
NO. 10183942	

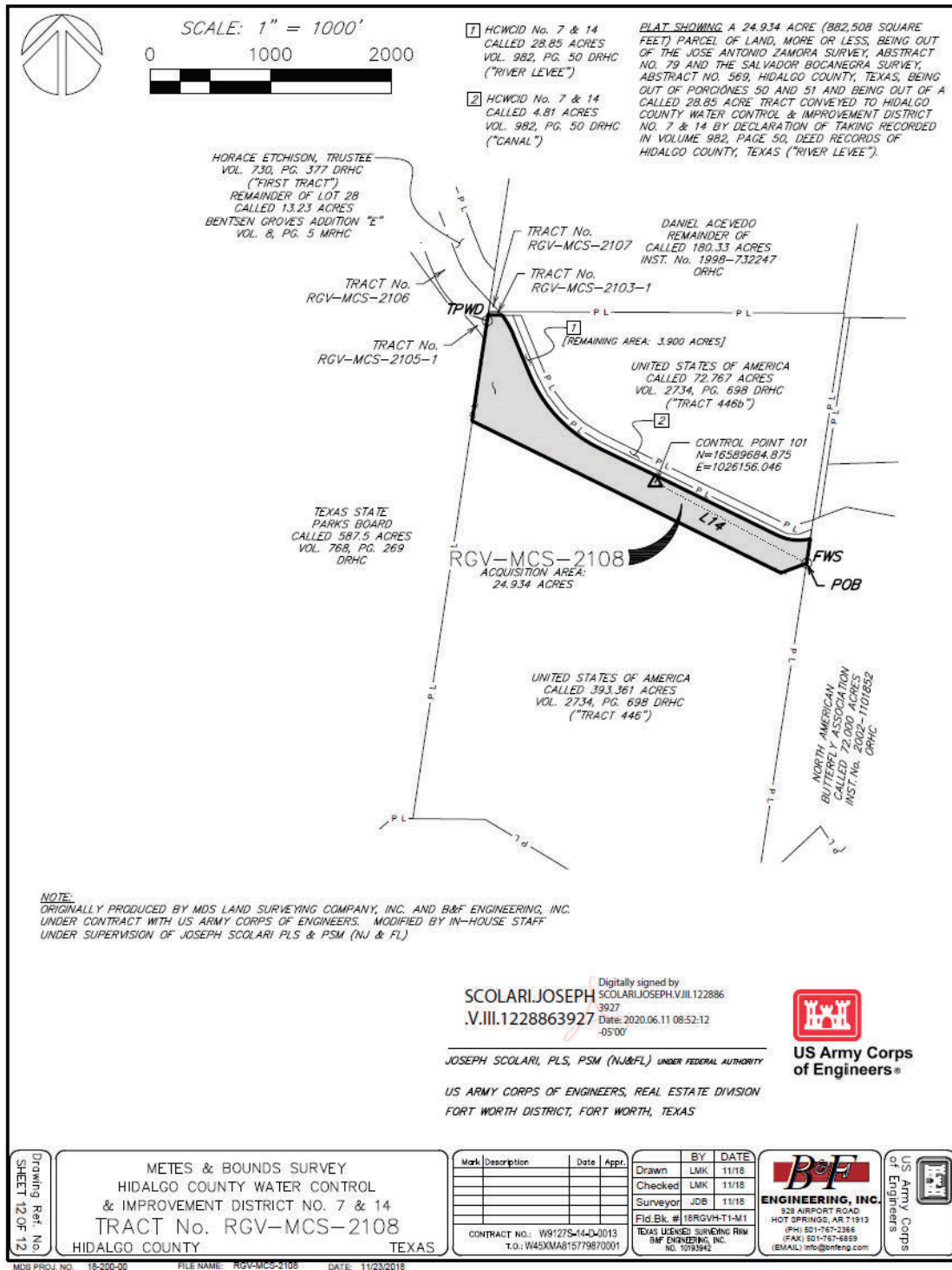
B&F
ENGINEERING, INC.
328 AIRPORT ROAD
HOT SPRINGS, AR 71913
(PH) 501-767-0365
(FAX) 501-767-6859
(EMAIL) info@benteng.com

US Army Corps
of Engineers

MDS PROJ. NO. 18-200-00

FILE NAME: RGV-MCS-2108

DATE: 11/23/2018

SCHEDULE D (Cont.)

SCHEDULE E

ESTATE TAKEN

Hidalgo County, Texas

Tract: RGV-MCS-2108

Owner: United Irrigation District, et al.

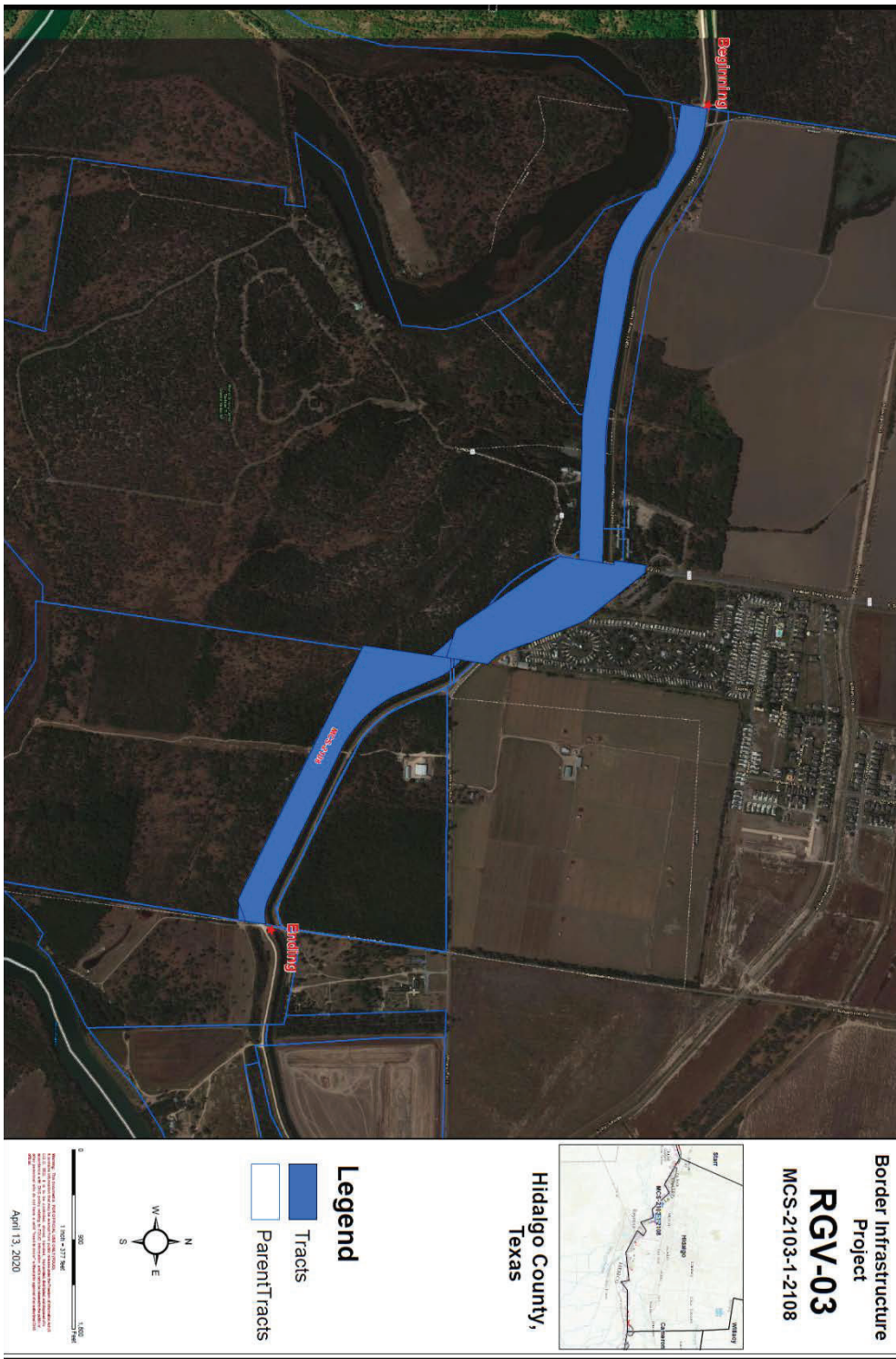
Acres: 24.934

The estate taken is fee simple, subject to existing easements for public roads and highways, public utilities, railroads, and pipelines; and subject to all interests in minerals and appurtenant rights for exploration, development, production and removal of said minerals;

Reserving to the owners of the lands conveyed in the Final Court Judgment in Cause No. CL-3059, *County of Cameron, Texas, et al v. Norton Boyd, et al*, in the County Court at Law of Hidalgo County, Texas, and in the Deed recorded July 28, 1992, Document Number 274443 in the Official Records of Hidalgo County, Texas, reasonable access to and from the owners' lands lying between the Rio Grande River and the border barrier through opening(s) or gate(s) in the border barrier between the westernmost mark labeled "Beginning" and easternmost mark labeled "Ending" depicted on the map below;

Excepting and excluding all interests in minerals, water rights and water distribution and drainage systems, if any, provided that any surface rights arising from such water rights or systems are subordinated to the United States' construction, operation and maintenance of the border barrier.

SCHEDULE E (Cont.)



SCHEDULE F

ESTIMATE OF JUST COMPENSATION

The sum estimated as just compensation for the land being taken is ONE HUNDRED THOUSAND DOLLARS AND NO/100 (\$100,00.00), to be deposited herewith in the Registry of the Court for the use and benefit of the persons entitled thereto.

SCHEDULE G**INTERESTED PARTIES**

The following table identifies all persons who have or claim an interest in the property condemned and whose names are now known, indicating the nature of each person's property interest(s) as indicated by references in the public records and any other information available to the United States. See Fed. R. Civ. P. 71.1(c).

Interested Party	Reference
United Irrigation District 1006 West Mile 2 Mission, TX 78574	Declaration of Taking, Document # 1960-12626; Recorded June 28, 1960, Deed Records of Hidalgo County Final Court Judgment in Cause No. CL-3059, <i>County of Cameron, Texas, et al v. Norton Boyd, et al</i> , in the County Court at Law of Hidalgo County, Texas
Cameron County, Texas 1100 East Monroe Street Brownsville, TX 78520	Declaration of Taking, Document # 1960-12626; Recorded June 28, 1960, Deed Records of Hidalgo County Final Court Judgment in Cause No. CL-3059, <i>County of Cameron, Texas, et al v. Norton Boyd, et al</i> , in the County Court at Law of Hidalgo County, Texas
M. Steven Deck Individually, and as Executor for the Estate of Donald R. Deck [REDACTED] McAllen, TX [REDACTED]	Deed, Document # 1992-274443; Recorded July 28, 1992, Deed Records of Hidalgo County Cause No. 22,239-C, In the Matter of the Estate of Donald R. Deck, Deceased, in the County Court at Law No. 3 of Hidalgo County, Texas
Pablo Villarreal, Jr. Hidalgo County Tax Assessor-Collector 2804 South Business Highway 281 Edinburg, TX 78539	Property Taxes

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
N. Joseph Unruh, United States Attorney's Office, Southern District of Texas, 1701 West Bus. Hwy. 83, Ste. 600, McAllen, TX 78501

DEFENDANTS

24.934 Acres of Land, More or Less, Situate in Hidalgo County, State of Texas; and United Irrigation District, et. al.

County of Residence of First Listed Defendant Hidalgo
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act
REAL PROPERTY <input checked="" type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
		<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
40 U.S.C. 3113 and 3114

Brief description of cause:

Land condemnation proceeding for fee simple interest to construct, install, operate, and maintain border security

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION DEMAND \$

UNDER RULE 23, F.R.Cv.P.

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

12/03/2020

SIGNATURE OF ATTORNEY OF RECORD

/s/ N. Joseph Unruh

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____